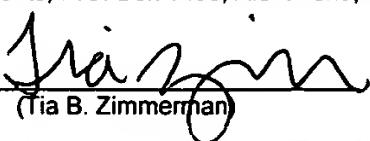


I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Label No. EV 333856385 US, in an envelope addressed to: Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 31, 2004

Signature: 

(Tia B. Zimmerman)

Docket No.: 369212000131  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of:

Hirokazu SUGIHARA et al.

U.S. Pat. No. 5,563,067

Application No.: 09/688,077

Art Unit: 1744

Filed: October 13, 2000

Examiner: D. Redding

For: CELL POTENTIAL MEASUREMENT  
APPARATUS HAVING A PLURALITY OF  
MICROELECTRODES

### RESPONSE

Mail Stop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the non-final Office Action dated March 12, 2004 (Paper No./Mail Date 20040309). The single rejection in the Office Action is one of judicial double patenting of all of the pending claims (Claims 14-23) over the claims of the parent: U.S. Patent No. Re 38,323 E.

Without acceding to the propriety of the rejection, attached is a Terminal Disclaimer filed under 37 CFR 1.321(c) and signed by an attorney of record. Such a Terminal Disclaimer presumptively overcomes this ground of rejection.

Allowance of this application is requested.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **369212000131**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 31, 2004

Respectfully submitted,

By E. Thomas Wheelock  
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